



Suggested Changes to Iowa Code Provisions
Presented to the
Iowa Sex Offender Legislative Interim Committee
November 30, 2005

Notification to Victims

Currently, Iowa law provides:

If a peace officer has reason to believe that a sexual assault as defined in section 915.40 has occurred, the officer shall use all reasonable means to prevent further violence including but not limited to the following:

1. If requested, remaining on the scene of the alleged sexual assault as long as there is a danger to the victim's physical safety without the presence of a peace officer, including but not limited to staying in the dwelling unit, or if unable to remain on the scene, assisting the victim in leaving the residence.
2. Assisting a victim in obtaining medical treatment necessitated by the sexual assault, including providing assistance to the victim in obtaining transportation to the emergency room of the nearest hospital.
3. Providing a victim with immediate and adequate notice of the victim's rights. The notice shall consist of handing the victim a copy of the following statement written in English and Spanish, asking the victim to read the statement, and asking whether the victim understands the rights:

"You have the right to ask the court for help with any of the following on a temporary basis:

- a. Keeping your attacker away from you, your home, and your place of work.
- b. The right to stay at your home without interference from your attacker.
- c. The right to seek a no-contact order under section 709.20 or 915.22, if your attacker is arrested for sexual assault.

You have the right to register as a victim with the county attorney under section 915.12.

You have the right to file a complaint for threats, assaults, or other related crimes.

You have the right to seek restitution against your attacker for harm to you or your property.

You have the right to apply for victim compensation.

You have the right to contact the county attorney or local law enforcement to determine the status of your case.

If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

You have the right to a sexual assault examination performed at state expense.

If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured."

The notice shall also contain the telephone numbers of shelters, support groups, and crisis lines operating in the area.

4.A peace officer is not civilly or criminally liable for actions taken in good faith pursuant to this section.

IowaCASA proposes the following changes to Iowa Code §709.22

If a peace officer has reason to believe that a sexual assault as defined in section 709.1 has occurred, the officer shall use all reasonable means to prevent further violence including but not limited to the following:

Deleted: 915.40

1. If requested, remaining on the scene of the alleged sexual assault as long as there is a danger to the victim's physical safety without the presence of a peace officer, including but not limited to staying in the dwelling unit, or if unable to remain on the scene, assisting the victim in leaving the scene.

Deleted: residence

2. Assisting a victim in obtaining medical treatment necessitated by the sexual assault, including providing assistance to the victim in obtaining transportation to the emergency room of the nearest hospital.

3. Providing a victim with immediate and adequate notice of the victim's rights. The notice shall consist of handing the victim a copy of the following statement written in English and Spanish, asking the victim to read the statement, and asking whether the victim understands the rights:

"You may have the right to ask the court for help with any of the following on a temporary basis:

- a. Keeping your attacker away from you, your home, and your place of work.
- b. The right to stay at your home without interference from your attacker.
- c. The right to seek a no-contact order.

You have the right to request the presence of a victim counselor at any proceeding related to an assault including a medical examination.

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709.20 or 915.22, if your attacker is
arrested for sexual¶
assault.

You have the right to register as a victim with the county attorney,

Deleted: under section 915.12

You have the right to file a complaint for threats, assaults, or other related crimes.

You have the right to seek restitution against your attacker for harm to you or your property.

You have the right to apply for victim compensation.

You have the right to contact the county attorney or local law enforcement to determine the status of your case.

If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

You have the right to a sexual assault examination performed at state expense.

If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured."

The notice shall also contain the telephone numbers of sexual assault crisis centers, shelters, support groups, and crisis lines operating in the area.

4. A peace officer is not civilly or criminally liable for actions taken in good faith pursuant to this section.

Statement of General Rights of Victims of Sexual Assault

IowaCASA proposes a new section be added to the victims of sexual assault sections (§915.40 *et. seq.*) which reads as follows:

General rights of sexual assault victims.

In addition to other victim rights provided in this chapter, victims of sexual assault shall have the following rights:

1. The right to request the presence of a victim counselor at any proceeding related to the offense, pursuant to section 915.20.
2. The right to have a sexual assault examination performed at state expense, pursuant to section 915.41.
3. The right, pursuant to section 709.22, for law enforcement to remain on the scene, to assist the victim in leaving the scene, to assist the victim in obtaining transportation to medical care, and to provide the person with a written statement of victim rights and information about sexual assault crisis centers, shelters, support services, and crisis lines.
4. The right to receive a criminal no-contact order upon a finding of probable cause, pursuant to section 709.20.
5. The right to register as a victim with the county attorney, pursuant to 915.12.

Sex Offender Cohabitation Restrictions

Currently, Iowa law provides:

1. A person who is the parent, guardian, or person having custody or control over a child or a minor under the age of eighteen with a mental or physical disability, or a person who is a member of the household in which a child or such a minor resides, commits child endangerment when the person does any of the following:
 - ... (h) Cohabits with a person after knowing the person is required to register or is on the sex offender registry as a sex offender under chapter 692A. However, this paragraph does not apply to a person who is a parent, guardian, or a person having custody or control over a child or a minor who is required to register as a sex offender, or to a person who is married to and living with a person required to register as a sex offender.

IowaCASA proposes the following changes to Iowa Code §726.6(1)(h)

1. A person who is the parent, guardian, or person having custody or control over a child or a minor under the age of eighteen with a mental or physical disability, or a person who is a member of the household in which a child or such a minor resides, commits child endangerment when the person does any of the following:

... (h) Cohabits with a person after knowing the person is required to register or is on the sex offender registry as a sex offender under chapter 692A. However, this paragraph does not apply to a person who is a parent, guardian, or a person having custody or control over a child or a minor who is required to register as a sex offender, or to a person who is married to and living with a person required to register as a sex offender. It is an affirmative defense to this subsection if the person had a reasonable apprehension that any action to end cohabitation would result in substantial bodily harm to the person or the child or minor.